
SENATE BILL No. 340

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-6; IC 31-19-11-1; IC 31-34-9-8.

Synopsis: Child abuse and neglect; adoption proceedings. Requires the court to determine whether a person, licensed child placing agency, or county office of family and children placing a child for adoption has provided required documents to the prospective adoptive parents before granting the adoption. Provides that if a person representing the state files a motion to dismiss a child in need of services petition, the person must provide a statement that sets forth the reasons for requesting the dismissal. Provides that the court shall, not later than ten days after the motion to dismiss is filed, grant the motion or set a date for a hearing on the motion. Provides that if the court sets a date for a hearing, the court may appoint a guardian ad litem or a court appointed special advocate, or both, to represent the best interests of the child.

Effective: July 1, 2005.

Lawson C

January 11, 2005, read first time and referred to Committee on Judiciary.

C
o
p
y



Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 340

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-9-2-6 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2005]: Sec. 6. "Adoptive parent", for purposes
- 3 of **IC 31-19-11** and IC 31-19-17 through IC 31-19-24, means an adult
- 4 who has become a parent of a child through adoption.
- 5 SECTION 2. IC 31-19-11-1 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Whenever the
- 7 court has heard the evidence and finds that:
- 8 (1) the adoption requested is in the best interest of the child;
- 9 (2) the petitioner or petitioners for adoption are of sufficient
- 10 ability to rear the child and furnish suitable support and
- 11 education;
- 12 (3) the report of the investigation and recommendation under
- 13 IC 31-19-8-5 has been filed;
- 14 (4) the attorney or agency arranging an adoption has filed with the
- 15 court an affidavit prepared by the state department of health under
- 16 IC 31-19-5-16 indicating whether a man is entitled to notice of the
- 17 adoption because the man has registered with the putative father



C
o
p
y

registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given; ~~and~~

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c); **and**

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).

C
o
p
y



(14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

(15) Child selling (IC 35-46-1-4(d)).

(16) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(17) A felony relating to controlled substances under IC 35-48-4.

(18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

SECTION 3. IC 31-34-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~Upon motion by the person representing the interests of the state, the juvenile court shall dismiss any petition the person has filed:~~ **(a) A person representing the interests of the state may file a motion to dismiss any petition that the person has filed under this chapter.**

(b) If a person files a motion to dismiss under subsection (a), the person must provide to the court a statement that sets forth the reasons the person is requesting that the petition be dismissed.

(c) Not later than ten (10) days after the motion to dismiss is filed under subsection (a), the court shall:

(1) summarily grant the motion to dismiss; or

(2) set a date for a hearing on the motion to dismiss.

(d) If the court sets a hearing on the motion to dismiss under subsection (c)(2), the court may appoint:

(1) a guardian ad litem;

(2) a court appointed special advocate; or

(3) both a guardian ad litem and a court appointed special advocate;

to represent and protect the bests interests of the child.

**C
o
p
y**

